

3600.2406
January 6, 2005 (1:19pm)

Docket: AM-2406

REMARKS

Claims 21-50 remain in the application.

The Examiner has rejected claims 21, 22, 24, 27-29, 32-43, 45, 46, and 48-50 under 35 U.S.C. §103(a) as being obvious over Hsu et al.(U.S. Patent 5,589,039, hereafter Hsu) in view of Miyata (U.S. Patent 5,519,373) and Tepman (U.S. Patent 5,527,438) The Examiner has also rejected claims 23, 25, 26, 30, and 44 under 35 U.S.C. §103(a) as being obvious over Hsu, Miyata, and Tepman and further in view of Boys et al. (U.S. Patent 4,500,409).

The Examiner states that the claims require only that the magnetic field be parallel to the substrate surface and that the parallel portion of the magnetic field need not be near the wafer, thus being satisfied by Miyata,. The Examiner interpretation of the claims is incomplete.

The Examiner's attention is drawn to claim 41, which requires "a magnetic field extending horizontally along said support surface." This language clearly means that the magnetic field near the support surface is substantially parallel to the support surface. Such is not disclosed by Miyata, who instead is concerned with the magnetic field being parallel near the target.

New dependent claims are added requiring the parallel magnetic field to extend along the substrate or support surface, substantially the same limitation as in claim 41. These claims should be entered as a matter of right since the prior final rejection of claim 41 was improper. In any case, such amendments should be entered under 37 CFR 1.116 as responding to a new interpretation of the claims by the examiner, an interpretation not intended by Applicants. The amendments do not raises new issues since nearly identical language existed in claim 41. If the Examiner refuses to enter the new claims, he is authorized to cancel them but to consider the allowability of claim 41.

Claim 31 is allowed.

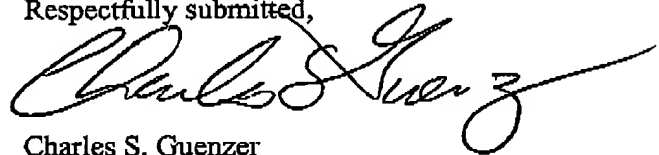
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In view of the above amendments and remarks, reconsideration and allowance of all claims are respectfully requested. The Examiner is invited to contact the undersigned attorney to discuss means for resolving the interpretation of the claims.

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Respectfully submitted,



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